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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,034	10/31/2000	Joseph R. Zbiciak	TI-30553	8913
23494	7590	01/15/2008		
TEXAS INSTRUMENTS INCORPORATED			EXAMINER	
P O BOX 655474, M/S 3999			DO, CHAT C	
DALLAS, TX 75265				
			ART UNIT	PAPER NUMBER
			2193	
			NOTIFICATION DATE	DELIVERY MODE
			01/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/703,034

Examiner

Chat C. Do

Applicant(s)

ZBICIAK, JOSEPH R.

Art Unit

2193

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

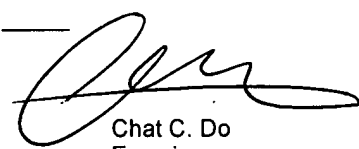
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 13 and 25-29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.



Chat C. Do
Examiner
Art Unit: 2193

Continuation of 11. does NOT place the application in condition for allowance because: the applicant argued extensively in pages 5-9 for all claims rejected under 35 U.S.C. 101 that the claims are directed to statutory subject matter since the claims are either a digital system or a data apparatus for executing dot product instruction and further the claims do not preempt the mathematical algorithm since the limitations within the claims are adaptive to particular hardware for performing a rounding dot product instruction as cited in the claimed invention.

The examiner respectfully submits that the claims are still directed to non-statutory subject matter because of the following reasons: first, claims only disclose a mathematical algorithm (e.g. in this case the rounding dot product algorithm) that is implemented in a general hardware components without disclosing or addressing any practical application as required; second, with only the mathematical algorithm in these claims would preempt substantially all the practical applications of utilizing the algorithm which is the dot product. All the explanations of the practical applications in pages 7-8 are not cited in the claims and further the machine claim discloses purely a mathematical operation would consider be as non-statutory subject matter.

The applicant also argued in pages 10-15 for claims rejected under 35 U.S.C. 103(a) that the primary reference fails to disclose the feature of the claims and further it is unobvious to combine with a secondary reference to address all the limitations of the claims.

The examiner respectfully submits that the Office action clearly addresses what the primary reference teaching and missing from the claims and why it is obvious to combine with a secondary reference to meet all the limitations cited in the claimed invention. In page 10, the adder/subtractor is not part of multiplication as interpreted by the applicant as seen in Figures 1-5. The multiplication means is the means for only generating a partial product terms and the adder/subtractor is used to sum up the partial product terms as seen in Figures 1-5. In page 11, the secondary reference is used to disclose the dot product for multiplying multiple pairs of elements. The secondary reference does not necessary or require to disclose the mid-rounding algorithm because the mid-rounding algorithm is clearly seen or disclosed in the primary reference. Particularly Figures 6-9 of the primary reference, they clearly disclose the mid-rounding position by inserting a bit "1" right at the mid position of the sum product in order to yield a final result with minimized rounding error.